

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

SUMOTEXT CORP.,  
Plaintiff,  
v.  
ZOOVE, INC., et al.,  
Defendant

Case No. 16-cv-01370-BLF

## **ORDER GRANTING MBLOX'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL**

[Re: ECF 208]

Defendant Mblox, Inc. moves to file under seal Exhibit 1 to Mblox's Response in Opposition to Motion for Leave to File Fourth Amended Complaint. *See* Mblox Motion, ECF 208. Exhibit 1 is a confidential stock purchase agreement between VHT StarStar, LLC and Mblox for the acquisition of Zoove, Inc. ("Stock Purchase Agreement").

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097.

Sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*

1        These standards are met here. The Stock Purchase Agreement is more than tangentially  
2 related to the merits because it is relevant to the Court's determination whether Sumotext  
3 Corporation may amend its pleading. Therefore, the "compelling reasons" standard applies.  
4 Mblox has submitted the declaration of its corporate representative, Bruce Bales, who states that  
5 the Stock Purchase Agreement contains confidential details regarding the transaction, including  
6 the purchase price, financial information, tax information, information regarding carrier contracts,  
7 and information regarding third parties. Bales Decl. ¶ 3. Mr. Bales states that the information is  
8 confidential and proprietary to Mblox, VHT StarStar, and Zoove, and that the information could  
9 provide an advantage to competitors. *Id.* The request is narrowly tailored in that the confidential  
10 information appears throughout the Stock Purchase Agreement and thus it would not be  
11 practicable to redact the information in lieu of sealing the entire document.

12        Accordingly, Defendant Mblox's motion to seal is GRANTED.

13        **IT IS SO ORDERED.**

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15        Dated: September 15, 2017



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17        BETH LABSON FREEMAN  
18        United States District Judge

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